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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/722,435  | 11/28/2003  | Reinhold Schneeberger | Q78388              | 7368             |
| 23373   | 7590        | 08/31/2005            | EXAMINER            |                  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                       | LEA EDMONDS, LISA S |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 2835                |                  |

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/722,435

Applicant(s)

SCHNEEBERGER, REINHOLD

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 6 and 12-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/11/04, 7/16/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The examiner of record has considered the information disclosure statement (IDS) submitted on 05/11/04 and 07/16/04.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 recites the limitation "the mounting rail" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 7-11 and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Larsile (3821688). With respect to claims 1-5 and 7-11, Larsile teaches a system comprising a mounting device (1) for at least one apparatus (12, 23, 32) comprising at least one plate (14); a profile (2) which is arranged perpendicular to the plate (14) in a first half of the plate (14); and

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a mounting rail (5) which is situated perpendicular to the plate (14) in a second half of the plate (14), wherein the profile (2) is configured for attaching the apparatus (12, 23, 32) and the mounting rail is configured for securing the apparatus (12, 23, 32), wherein the profile (2) comprises a profile part which is connected to the plate, a first profile web (4), and a second profile web (2a), the first profile web (4) and the second profile web (2a) each being arranged essentially perpendicular to the profile part, the second profile web (2a) being connected to a region of the profile part facing away from the plate (14), the first profile web (4) being connected to the profile part between a region of the profile part with which the profile part is connected to the plate (14) and the second profile web (2a), and the first profile web (4) and the second profile web (2a) being arranged on opposite sides of the profile part (2), wherein the mounting device (1) further comprises at least one of an upper cover (18) and a lower cover (27), the at least one cover (18, 27) being connected to the plate (14), wherein the first profile web (4) is arranged essentially parallel to the plate (14), wherein the second profile web (29) is arranged essentially parallel to the plate (14), wherein the profile (2) is manufactured as one integral piece, wherein the mounting device (1) comprises an upper channel (20) that is formed by the upper cover (18), the plate (14) and the profile (2), wherein the mounting device (1) comprises a lower channel (30) that is formed by the lower cover (27), the plate (14) and an attached apparatus (29), wherein the mounting device (1) further comprises an upper channel that is formed by the upper cover (18), the plate (14) and the profile (2); and wherein the upper channel (20) and the lower channel (30) are each configured as channels for receiving cables (22, 31), wherein the mounting device (1) comprises both the upper cover (18) and the lower cover (27), wherein the upper cover (18) supports a first web (18a) which runs essentially perpendicular to the upper cover (18) and essentially parallel to the plate (14), extends in a direction of the lower cover (27), and is situated on an end region of the upper cover (18) which

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is not connected to the plate (14), and wherein the lower cover (27) supports a second web (24) which runs essentially perpendicular to the lower cover (27) and essentially parallel to the plate (14), extends in a direction of the upper cover (18), and is situated on an end region of the lower cover which is not connected to the plate (14), wherein the mounting device (1) is one integral piece of extruded aluminum profile (see column 2 lines 41-44) as claimed (see for example figures 1-3). With respect to claim 27, Larsile teaches a mounting device (1) comprising at least one plate (14); a profile (2) extending from the plate (14) in an upper region of the plate (14); and a mounting rail (5) extending from the plate (14) in a lower region of the plate (14), wherein the profile (2) is configured for attaching an electronic apparatus (12, 23, 32) and the mounting rail (5) is configured for securing the apparatus (12, 23, 32), wherein the profile (2) comprises a profile part which is connected to the plate (14), a first profile web (4), and a second profile web (2a), the first profile web (4) and the second profile web (2a) each extending from the profile part, the second profile web (2a) arranged in a first region of the profile part distal from the plate (14), the first profile web (4) arranged in a second region of the profile part between a third region of the profile part where the profile part is connected to the plate (14) and the first region, and the first profile web (4) and the second profile web (4) being arranged on opposite sides of the profile part as claimed (see for example figures 1-3).

7. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Andrews (4979909). With respect to claim 28, Andrews teaches an electronic apparatus comprising an apparatus web (36) extending along essentially a full length of at least a first apparatus side (30) and configured to engage a mounting device (18), and at least one fastening device (40) provided on a second apparatus side (32), the fastening device (40) configured to attach the apparatus (29) to the mounting rail (22, 24) as claimed (see for example figure 1).

***Allowable Subject Matter***

8. Claims 6 and 12-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: as to claim 6, patentability resides, at least in part, in the mounting rail comprising two parallel rails as claimed, and in combination with the limitations of the base claim; as to claims 12-14, patentability resides, at least in part, in the mounting device further comprises a front panel as claimed, and in combination with the limitations of the base claim; as to claims 15-26, patentability resides, at least in part, in the apparatus comprising an apparatus web on at least a first apparatus side along the entire side, wherein the apparatus web is configured to engage the profile as claimed, and in combination with the limitations of the base claim.

***Conclusion***

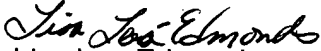
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of McAnally et al. (5680293, 5777848, 5995364), Ho (5940265), Chen et al. (6102499), Liu (6227632), Siedow et al. (6262888), Vier et al. (6337793), Köhler et al. (6341059), Omori (6418011), Chen (6751100).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lisa Lea-Edmonds  
Primary Examiner  
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30-Aug-05